

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

**JANE DOE I, Individually and as
Parent, Natural Guardian and Next
Friend of JANE DOE II, a Minor,**

Plaintiffs,

v.

**BIBB COUNTY SCHOOL
DISTRICT,**

Defendant.

CIVIL ACTION FILE
NO. 5:12-CV-468-MTT

**DEFENDANT'S MOTION TO EXCLUDE PLAINTIFFS' EXPERT,
OR IN THE ALTERNATIVE, TO AMEND THE SCHEDULING
AND DISCOVERY ORDER**

COMES NOW the Bibb County School District, Defendant in the above-styled civil action, and files this **Defendant's Motion to Exclude Plaintiffs' Expert, or in the Alternative, to Amend the Scheduling and Discovery Order**, requesting that this Court impose on Plaintiffs the following sanctions: (1) the exclusion of any trial testimony—live or otherwise—by Dr. Patti Van Eys; (2) the prohibition of any amended pleadings in support of any claims related to Jane Doe I's emotional damages, as well as the exclusion of any evidence of such damages; (3) an award of reasonable attorneys' fees and reimbursement of any litigation

expenses incurred in connection with this Motion; and (4) in the alternative, an amended Scheduling and Discovery Order extending the deposition timeline, as well as any other relief deemed appropriate by this Court.

In support of this Motion, Defendant files, separately, its Brief in Support of Defendant's Motion to Exclude Plaintiffs' Expert, or in the Alternative, to Amend the Scheduling and Discovery Order. Defendant further certifies that it conferred in good faith with opposing counsel prior to filing this Motion and its supporting Brief.

Respectfully submitted this 2nd day of October, 2013

HALL BOOTH SMITH, P.C.

/s/ Kevin D. Abernethy
KEVIN D. ABERNETHY
Georgia Bar No. 142310

/s/ Russell A. Britt
RUSSELL A. BRITT
Georgia Bar No. 473664

191 Peachtree Street, N.E.
Suite 2900
Atlanta, GA 30303-1775
Tel: 404-954-5000
Fax: 404-954-5020
E-Mail: kabernehty@hallboothsmith.com
E-Mail: rbritt@hallboothsmith.com

HALL BOOTH SMITH, P.C.

/s/ Andrea L. Jolliffe

ANDREA L. JOLLIFFE

Georgia Bar No. 176556

440 College Avenue North
Suite 120

Athens, GA 30601

Tel: 706-316-0231

Fax: 706-316-0111

E-Mail: ajolliffe@hallboothsmith.com

Counsel for Defendant

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

**JANE DOE I, Individually and as
Parent, Natural Guardian and Next
Friend of JANE DOE II, a Minor,**

Plaintiffs,

v.

**BIBB COUNTY SCHOOL
DISTRICT,**

Defendant.

CIVIL ACTION FILE
NO. 5:12-CV-468-MTT

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of October, 2013, I electronically filed the foregoing **Defendant's Motion to Exclude Plaintiffs' Expert, or in the Alternative, to Amend the Scheduling and Discovery Order** with the Clerk of the Court using the CM\ECF system which will send e-mail notification of such filing to the following:

F. Bradford Wilson, Jr.
Adams, Hemingway & Wilson, LLP
Post Office Box 1956
Macon, Georgia 31202-1956

Harold S. Lewis
130 A Laurens Street, NW
Aiken, SC 29801

Jerry A. Lumley
Post Office Box 27717
Macon, Georgia 31221

Respectfully submitted this 2nd day of October, 2013

HALL BOOTH SMITH, P.C.

/s/ Kevin D. Abernethy

KEVIN D. ABERNETHY

Georgia Bar No. 142310

/s/ Russell A. Britt

RUSSELL A. BRITT

Georgia Bar No. 473664

191 Peachtree Street, N.E.
Suite 2900
Atlanta, Georgia 30303-1775
Tel: 404-954-5000
Fax: 404-954-5020
E-Mail: kabernehty@hallboothsmith.com
E-Mail: rbritt@hallboothsmith.com

HALL BOOTH SMITH, P.C.

/s/ Andrea L. Jolliffe

ANDREA L. JOLLIFFE

Georgia Bar No. 176556

440 College Avenue North
Suite 120
Athens, GA 30601
Tel: 706-316-0231
Fax: 706-316-0111
E-Mail: ajolliffe@hallboothsmith.com

Counsel for Defendant